

SENATE Lays CUBA OVER.

Battle to
Come After
Holidays.

Crowds Heard the Re-
port on Cameron's
Resolution.

Cameron for Independence.

RESOLVED, By the Senate and House of Representatives of the United States of America, in Congress assembled, that the independence of Cuba be and the same is hereby acknowledged by the United States of America.

Be it further resolved, that the United States will enter into friendly relations with the Government of Spain to bring to a close the war between Spain and the Republic of Cuba.

Hill for Belligerency.

RESOLVED, By the Senate and House of Representatives of the United States of America, in Congress assembled, that it is hereby declared that a state of public war exists in Cuba and that the parties thereto are entitled to, and are hereby accorded, the belligerent rights, in accordance with the principles of international law, and the United States will preserve a strict neutrality between the belligerents.

Hill's Substitute Recognizing
the Belligerency of
Cuba.

Rebuffed Twice for Asking
About the Senate's
Authority.

Senator Vest for Congress's Rights.

RESOLVED, That the President is not invested by the Constitution with exclusive power to determine when the independence of a foreign people struggling to establish a government for themselves shall be recognized by the United States; but that this power is vested in Congress and the President, to be exercised in conformity with section 7, article 1 of the Constitution.

Vest Attacks Olney for His
"Astounding Propo-
sition."

Call's Resolution on Ameri-
cans in Spanish Prisons
Adopted.

Senator Cameron and His Resolution.

By Alfred Henry Lewis.
WASHINGTON, Dec. 21.—The Senate furnished a snow storm of Cuban resolutions today. There were resolutions offered and resolutions reported all looking to the disadvantage of Spain. But naught came of it. The proceedings, so far as the coming about of anything of thrilling, fiery movement was concerned, were a flash in the pan.

After all, Senate events today were the merest preliminary and might be likened to the setting up of the stakes and ropes for a prize fight and the choice of referees, corners and timekeepers. The actual battle will, so it looks now, be deferred until January 5. Following the holidays there will be a Cuban collision in the Senate, and it will be a fight royal; one worth the seeing.

By noon, when the schedule calls for the descent of Stevenson's gavel, which, like a rap on the door, results in opening the Senate, the galleries were freighted to the gunwales—all but the narrow tier opposite Stevenson and just above the big Senate clock, which is arranged and maintained for the congregation of the diplomats. This diplomatic strip was sparsely inhabited. Later several of the legation folk came in.

Panaceote a Spectator.
Among the first of these was Sir Julian Pauncefote, of the English Embassy. It was ten minutes following noon when Sir Julian, dressed, wisely, in a gray but into a belfry. He settled down and with hand to ear to hear the better gave himself fully up to the proceedings as long as Cuba remained in any sort of a Senate topic. Besides Sir Julian there were a couple of legation ladies out to be amused. Also Hinzemüller, the Austrian Minister, came, and likewise the Brazilian Secretary of Legation.

This Cuban question, with the warring attitudes of the White House and Senate, in the chief topic of Legation gossip by the way. The foreign element, all save Mexico and the South American folk, finds it either fashionable or convenient to side with Spain. Therefore, it is that both Cleveland and Olney, who are looked on as Spain's best friends in Washington, are decidedly the toast with everything European here from the side-whiskered Sir Julian to the Turk.

It was Cameron who reported his own resolution adopted Saturday by the Foreign Relations Committee, the text whereof has already been printed, and which, if endorsed by both the White House and Congress, it is the view of good judges would put us in immediate war with Spain. Some, by the way, like Tom Reed and Cousins, of the House Foreign Affairs Committee, believe, too, it would have us in final bloody feud with France. Cameron reported his resolution recognizing Cuba, and then asked for two additional copies of the report be printed.

The Committee's Report.
The main points in the report of the Committee on Foreign Relations were given in the forecast of that document published in the Journal on last Saturday. That portion of the report which deals most directly with Cuba is here given in detail.

The Government of the United States had always regarded Cuba as within the sphere of its most active and serious interests. As early as 1823, when the newly recognized States of Colombia and Mexico were supplied to be preparing an expedition to reconquer the Cuba and Porto Rico, the United States declined to make the Spanish Government, with those Governments to request their forbearance. The actual condition of Spain seemed to make the United States impossible, in which case the United States would have been obliged to carry out its duty to prevent the United States from falling into the hands of a stronger power in Europe.

That this emergency did not recur may have been partly due to the energy with which Monroe announced "our right and our power to prevent it" and his determination to use all the means within his competency to guard against and forestall it. This right of intervention in matters relating to the external relations of Cuba, asserted and exercised seventy years ago, has been asserted and exercised at every crisis in which the island has been involved.

What Grant Did.
When the Cuban question, in 1880, appeared to the United States for recognition, President Grant admitted the justice of the claim, and directed the Minister of the United States at Madrid to interpose our good offices with the Spanish Government in order to obtain, by a friendly arrangement, the independence of the island. The story of that intervention is familiar to every member of the Senate, and was made the basis of the report of the Committee on the President's action more "to increase his friendly offices with the Spanish Government for the recognition of the independence of Cuba."

The resolution then adopted by Congress was perfectly understood to carry with it all the consequences which necessarily would follow that intervention is familiar to every member of the Senate, and was made the basis of the report of the Committee on the President's action more "to increase his friendly offices with the Spanish Government for the recognition of the independence of Cuba."

perience; the utter and imminent ruin of the island unless the present strife is speedily concluded. In our opinion, conclusive evidence that "the inability of Spain to deal successfully with the insurrection has become manifest," and it is demonstrated that her sovereignty is extinct in Cuba for all purposes of her rightful existence. A hopeless struggle for its reestablishment has degenerated into a strife which means nothing more than the useless sacrifice of human life and the utter destruction of the very subject matter of the conflict.

Although the President appears to have reached a different conclusion from ours, we have this to be the actual situation of Cuba, and, being unable to see that further delay could lead to any other action than that which the President anticipates, we agree with the conclusion of the message that, in such case, our obligation to the sovereignty of Spain are "superadded by higher obligations, which we can hardly hesitate to recognize and discharge."

Independence the Only Basis.
Following closely the action of President Monroe in 1823, Congress has already declared in effect its opinion that there can be no national interference except on the basis of independence. In 1822, as now, but with much force, it was objected, as we have already seen, that the United States had no governments to be recognized. Divisions, and even civil war, existed among the Cuban people. It is now known to exist. In September, 1896, as we have seen by official documents printed on the spot, the insurgent Government was regularly organized, a constitution adopted, a President elected, and, in due course, the various branches of administration set in motion. Since then, so far as we are informed, this Government has continued to perform its functions undisturbed.

The Only Question for Congress.
The same thing could hardly be said of all the countries recognized by Monroe in 1823. Greece had no such stability when it was recognized by England, Russia and France. Belgium had nothing of the sort when she was recognized by all the powers in 1830. Of the States recognized by the treaty of Berlin, 1878, we need hardly say more than that they were the creatures of international law. The only question that properly remains for Congress to consider is the mode which the United States should adopt which Congress is pledged not to take. The Government of the United States stands alone in the world as the only power which has never ceased to ask recognition and to offer all possible information. There is no reason to suppose that any nation or any people would be dissatisfied by our recognizing their representative in this country, or that they disagree in the earnest wish for that recognition.

Example Set by Monroe.
The practice of Europe in regard to intervention has been almost invariably based on the principle of the United States has been almost invariably mild and forbearing. Among the precedents which have been set by the United States, there is no doubt as to the choice. The most moderate is the best. Among these the attitude taken by President Monroe in 1823 is the only one which can properly be regarded as obligatory for a similar situation today. In the recognition of Colombia is the only course which Congress can consistently adopt. We recommend, therefore, the joint resolution, with amendments, to read as follows:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the independence of Cuba be and the same is hereby acknowledged by the United States of America.

Be it further resolved, That the United States will use its influence and power to bring to a close the war between Spain and the Republic of Cuba.

Sherman Shows Sympathy.
While Cameron was making his report John Sherman remained standing, his face expressive of hearty sympathy and assent to all that Cameron did and said, and his hands full of further resolutions. Chandler, Morgan, Vest and Mills, too, showed all too plain their friendship for what Cameron was about.

Hale, of Maine, who is recognized as the Spanish champion in the Senate, and is, therefore, much petted at the Spanish Legation, was also on his feet, ready to interfere with "a point of order" to interrupt the "point" would accomplish Spanish good. After Cameron got his report in, Sherman asked if the resolution was to remain on the table until after the holidays. Cameron said it was. At this point Harris got in his usual interruption.

"We cannot hear the Senators on this side of the chamber," declared Harris, with such an air of vehement ferocity that the uninitiated in the gallery thought the old gentleman on the brink of something blood-curdling. He was not, however; it's just Harris's way.

Morgan's Minority Report.
On behalf of himself and Senator Mills, Senator Morgan, of Alabama, submitted an elaborate report on the Cuban question,

which Mr. Morgan did not conclude until after he entered the chamber at noon. It takes pronounced grounds and indorses the action of the committee. Mr. Morgan submits, as appendices to this report, the report made to the Senate by Sillit in 1830; the speech of Senator Judah P. Benjamin on that report; the case of Cuba as presented to the State Department by Palma, and that part of the President's message relating to affairs in Cuba.

Then Hill arose, sallow and insistent. Hill has only ten weeks of Senate existence. He has been of late treated coldly by the Democrats, because of his campaign skulking last fall. This irks and smart the dark man from Wolfert's Roost, and he is anxious to hurt somebody.

"Does the reports by the Senators" (Cameron and Morgan) asked Hill, "discuss the constitutional power of Congress to pass the resolution themselves?"

"That question is preposterous," snapped Morgan.

"Such a view may be entirely satisfactory to the Senator from Alabama," sneered Hill. "However, the reply serves my purpose. The subject I suggest is not, I take it, discussed."

Hill's Remarkable Sneer.
You should hear Hill sneer. It's not what the man says, it's the way he says it. It's Hill's style, rather than his song. He could ask one to pass the butter in a fashion that would make it a mortal insult and yet never depart from the conventional request to that butter end.

That was not Hill's sole rebuff. Cameron

asked the President is not invested by the Constitution with exclusive power to determine when the independence of a foreign people struggling to establish a government for themselves shall be recognized by the United States; but that this power is vested in Congress and the President, to be exercised in conformity with section 7, article 1 of the Constitution.

Art. II, Sec. 2, par. 3.—"He shall receive ambassadors and other public ministers."

Art. I, Sec. 8, par. 11.—"to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested in this Constitution in the Government of the United States, or in any department or officer thereof."

Art. I, Sec. 8, par. 3.—"Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."

Art. I, Sec. 8, par. 3.—"Congress shall have power . . . to regulate commerce with foreign nations."

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PRESIDENT VERSUS CONGRESS.

The Clauses of the Constitution Over Which Executive
and Senate Have Locked Horns.

The President's Position.
PRESIDENT CLEVELAND and Secretary Olney rest their claim upon the following extract from the Constitution of the United States:

Art. II, Sec. 2, par. 3.—"He shall receive ambassadors and other public ministers."

The Senate's Position.
THE position taken by the Senate Committee on Foreign Relations is based upon the following portions of the Constitution:

Art. I, Sec. 7, par. 3.—"Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."

Art. I, Sec. 8, par. 3.—"Congress shall have power . . . to regulate commerce with foreign nations."

Art. I, Sec. 8, par. 11.—"to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested in this Constitution in the Government of the United States, or in any department or officer thereof."

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CUBA'S FIGHT FIRES ITALY.

Radicals to Introduce in the Chamber a
Resolution of Sympathy with
the Patriots.

Rome, Dec. 21.—In the Chamber of Deputies today a member of the Radical party gave notice of his intention to introduce a motion expressing the sympathy of the Chamber of Deputies with the Cuban insurgents.

The Marquis di Rudini, Prime Minister, intimated that the Ministry would oppose the adoption of such a motion by the Chamber, his remarks evoking violent protests on the part of the Radicals.

In the course of the discussion Signor Imbriani, the Radical leader, declared that his party, at least, would join the American and other civilized peoples in hoping that the Cubans might be victorious in their struggle for freedom.

MUST BELIEVE MACEO DEAD.

President Palma, of the Cuban Junta, Gets a
Letter Which Confirms Report.

President Tomas Estrada Palma, of the Cuban Junta, yesterday received a letter from J. A. Ruan, the Jacksonville agent of the Cuban Republic, stating that there need not now be the slightest doubt that General Antonio Maceo was killed. He said he had made a careful investigation of the reports through persons stationed at Havana and that the result was a confirmation that Maceo fell and was buried in a cemetery. The location of the grave is known only to those who conducted the burial.

NOT GOING TO VALENCIA.

Charterers of the Flibuster Steamer Laurada
Think Better of Their Plan.

Baltimore, Dec. 21.—The steamship Laurada, which was chartered by a Baltimore firm to land fruit at Messina and Palermo, Italy, and at Valencia, Spain, will not touch at the latter place, because of her record as a filibuster.

The feeling among the Spanish was so pronounced that no fruit could be bought in Valencia to be placed on board the Laurada, and the stevedores declared they would not load the steamer, even if a cargo be secured. Then, too, it was reported that the appearance of the Laurada in a Spanish port would inevitably be followed by trouble, and the charterers, J. E. Serrall and Co., decided to send the steamer back to Messina to complete her cargo.

CITY CHAMBERLAIN'S FALL

Tangled Up in His Accounts, Andrew J.
Rodgers Hands Over His Keys
of Office.

Johnstown, Pa., Dec. 21.—To-day the firm of Grimes & Rodgers, stationers of this city, filed a bill of sale transferring their stock and goods to the People's Bank. Andrew J. Rodgers, one of the firm, is City Chamberlain, and to-night, at the meeting of the Common Council, he tendered his resignation and delivered to the Mayor the keys of his office. A resolution was adopted demanding the immediate payment of the city moneys, and the delivery of the papers and securities in the Chamberlain's hands to the city clerk.

The Chamberlain was summoned before the Board, the resolution read to him and the demand made. City Attorney Nemi also closely questioned the Chamberlain as to the amount of money on hand and the place of its deposit, but he was unable to give the amount.

Two weeks ago the Chamberlain made a report showing a balance on hand of upward of \$5,000, but members of the Council, finding that there was only about \$1,000 cash on deposit, called a special meeting and discussed the matter in secret session, after which the officials of the People's Bank were called upon to investigate. An expert was put to work over the city accounts and found a shortage of about \$5,000. To-day the officers of the bank offered to advance Rodgers a sufficient amount to help him through if he would secure them by a mortgage upon his real estate, but this he refused to do, and shortly afterward it was learned that he had conveyed the property to a relative. This step brought on the crisis this evening.

OLSENS HELD WITHOUT BAIL.

Moran Died from Stab Wounds, Which, He
Said, One of Them Had Given Him.

Charles Olsen, his wife and Frank Olsen, his brother, were held without bail in the Centre Street Police Court yesterday, charged with killing Patrick Moran. The latter was found in a dying condition in front of No. 16 Cherry street early Sunday morning.

Moran was removed to the Hudson Street Hospital, where it was found that he had received two stab wounds. He died soon afterward, but not until he had sufficiently recovered consciousness to say that he had been stabbed by Charles Olsen, in the latter's room, at No. 15 Cherry street.

TOOK TO FIRE ESCAPES.

Tenants Taken Unaware by a Fire
Which Threatened Their
Lives.

Although Henry Franklin, of No. 8 East One Hundred and Twelfth street, never indulges in the luxury of a fire in the parlor of his flat, he was surprised to find that one had mysteriously started itself in that room at 1 o'clock yesterday morning.

Mrs. Franklin was aroused by the smoke and was horrified to find that his wife was unconscious. Quickly wrapping her in a blanket, he carried her to the hall, only to discover that passage to it was so densely choked with smoke as to be impassable. He was therefore compelled to beat a hasty retreat to his apartment, through which he fortunately succeeded in reaching the fire escape. The cold air had the effect of restoring Mrs. Franklin to consciousness, and, in her husband's arms, she soon reached the lower floor in safety. Mrs. Fred Burke, who lives on the fourth floor, after partially dressing her three boys and sending them down the fire escape, attempted to follow them with the boys, but was overcome by the smoke on the third floor, where she was rescued by Fireman Moore, of Engine No. 25.

Mrs. David Vogel, who also lived on the fourth floor, was successful in groping her way to the lower floor, where she became unconscious, and was found by a neighbor, her husband, who carried her to the street. The cause of the fire, which was quickly extinguished, is still a mystery. The loss amounts to about \$1,000.

MOYNE TRIAL PUT OFF.

Illness of Ex-Superintendent White Continues
and Makes Delay.

Albert N. White, ex-Superintendent of the Bellevue Morgue, charged with the removal of bodies from his department without proper authority, was to have been tried yesterday by the Board of Charities, but, after suffering from angina pectoris, he was unable to appear.

His attorney, William Lane O'Neil, appeared before the Board and argued for an indefinite postponement on the ground that his client's illness was such that he was unable to appear. He stated that it was the belief of Mr. White's physicians that his dangerous illness was due entirely to the fact that he had been arrested at an hour of the day when it was impossible to secure bondsmen, and that his confinement in the Tombs over the night resulted in the shutting of his health, possibly to the danger of his life.

Corporation Counsel Farley resisted the postponement and urged that the trial be resumed January 8, two days after the criminal proceedings, set for the 6th, and his motion was granted.

Many witnesses were present yesterday, ready to proceed with the case at once and tell all they knew about transactions with the morgue. The witnesses included the superintendent of the morgue, the superintendent of medical colleges, embalmers and midwives who were concerned in the deals.

BETWEEN TRUCK AND CAR

An Unknown Man Instantly Killed in a
Street Accident.

An unknown man was crushed to death beneath a truck yesterday afternoon at First avenue and Thirty-first street. Caught between a car and a truck he was knocked down by the latter. The wheels passed over his body, killing him. The truck belonged to the American Grocery Company, of West Broadway and Rensselaer street. The driver, William Gorman, of No. 22 Beach street, was arrested. The man who was killed had been cleaning, with an iron rod, the floor between the rails of one of the crick-bridges. As the truck approached him, a car of the Twenty-eighth street line was coming downtown. The man stood between the trucks, thinking he had sufficient space there. His mistake cost him his life. The body was removed to the East Thirtieth Street Station, where a man, who viewed it, said that he thought the unfortunate man was Patrick Fay, a laborer. He lived at 17 Seventh avenue and Twentieth street.

HAD NO RIGHT TO TRANSFER

Justice Smythe Decides That the Broadway
Insurance Deal Was Illegal.

Justice Smythe, of the Supreme Court, decided yesterday that the action of the directors of the Broadway Insurance Company in turning over their business to the Hartford Fire Insurance Company, without the consent of the stockholders, was illegal. Upon application by Edwin C. Jameson and Joseph F. Redinghousen, Judge Smyth granted an injunction restraining the directors of the Broadway Company from taking such action.

Lawyer Benn Lowy, a director of the Broadway Company, said the deal was illegal, claiming that the Broadway Company had been losing money for ten years. Lawyer Frederic R. Condict showed that the Broadway Company had been declaring dividends right along, and is in better condition now than ever before.

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